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SENATE BILL 6432

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State of Washington                      63rd Legislature                      2014 Regular Session

By Senators Roach, Benton, Dangel, Hargrove, and Kline

Read first time 01/24/14. Referred to Committee on Transportation.

1            AN ACT Relating to ending the use of manufacturing standards as a  
2 law enforcement profiling tool; amending RCW 46.37.530; and creating a  
3 new section.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5            NEW SECTION.    **Sec. 1.**    In 2011, the legislature condemned the  
6 practice of motorcycle profiling and any policies used to perpetuate  
7 this activity by law enforcement. It can be inferred that the federal  
8 manufacturing standards for motorcycle helmets currently listed in  
9 state law are being used by some law enforcement as a profiling tool to  
10 establish probable cause to illegally stop and detain motorcyclists.  
11 It is the intent of the legislature to end illegal profiling of  
12 motorcyclists by removing the reference to 49 C.F.R. Sec. 571.218.

13            **Sec. 2.**    RCW 46.37.530 and 2009 c 275 s 5 are each amended to read  
14 as follows:

15            (1) It is unlawful:

16            (a) For any person to operate a motorcycle, moped, or motor-driven  
17 cycle not equipped with mirrors on the left and right sides which shall  
18 be so located as to give the driver a complete view of the highway for

1 a distance of at least two hundred feet to the rear of the motorcycle,  
2 moped, or motor-driven cycle: PROVIDED, That mirrors shall not be  
3 required on any motorcycle or motor-driven cycle over twenty-five years  
4 old originally manufactured without mirrors and which has been restored  
5 to its original condition and which is being ridden to or from or  
6 otherwise in conjunction with an antique or classic motorcycle contest,  
7 show, or other such assemblage: PROVIDED FURTHER, That no mirror is  
8 required on any motorcycle manufactured prior to January 1, 1931;

9 (b) For any person to operate a motorcycle, moped, or motor-driven  
10 cycle which does not have a windshield unless wearing glasses, goggles,  
11 or a face shield of a type conforming to rules adopted by the state  
12 patrol;

13 (c) For any person to operate or ride upon a motorcycle, motor-  
14 driven cycle, or moped on a state highway, county road, or city street  
15 unless wearing upon his or her head a motorcycle helmet except when the  
16 vehicle is an antique motor-driven cycle or when the vehicle is  
17 equipped with all of the following:

18 (i) Steering wheel;

19 (ii) Seat belts that conform to standards prescribed under 49  
20 C.F.R. Part 571; and

21 (iii) Partially or completely enclosed seating area for the driver  
22 and passenger that is certified by the manufacturer as meeting the  
23 standards prescribed under 49 C.F.R. Sec. 571.216.

24 The motorcycle helmet neck or chin strap must be fastened securely  
25 while the motorcycle, moped, or motor-driven cycle is in motion.  
26 Persons operating electric-assisted bicycles and motorized foot  
27 scooters shall comply with all laws and regulations related to the use  
28 of bicycle helmets;

29 (d) For any person to transport a child under the age of five on a  
30 motorcycle or motor-driven cycle;

31 (e) For any person to sell or offer for sale a motorcycle helmet  
32 that does not meet the requirements established by this section.

33 (2) The state patrol may adopt and amend rules concerning standards  
34 for glasses, goggles, and face shields.

35 (3) For purposes of this section, "motorcycle helmet" means a  
36 protective covering for the head consisting of a hard outer shell,  
37 padding adjacent to and inside the outer shell, and a neck or chin  
38 strap type retention system, with the manufacturer's certification

1 (~~applied in accordance with 49 C.F.R. Sec. 571.218 indicating that the~~  
2 ~~motorcycle helmet meets standards established by the United States~~  
3 ~~department of transportation~~)).

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